

Appl. No. 10/728,310
Amendment Dated February 28, 2005
Reply to Office Action of January 3, 2005

REMARKS/ARGUMENTS

Applicants acknowledge receipt of the Office Action dated January 3, 2005, in which the Examiner rejected all pending claims on various grounds over Johnson (US 3,755,488) alone or in various combinations with Reimer (US 6,365,790 B2), Dai (US 2002/0068843 A1), and GB 871804. The undersigned thanks the Examiner for the opportunity on Monday, February 28, 2005 to discuss the invention and proposed amendment of the claims. Applicants have amended the claims and respectfully request consideration of the foregoing amendments and the following remarks and arguments, and request withdrawal of the rejections.

Rejections under § 102 and § 103

The independent claims (1, 17, 26, 34, and 40) have been amended to clarify that the claimed process requires a concentration of carbon monoxide greater than 2000 ppm. Dependent claims 5-6, 20, 28, and 50-51 have also been amended to clarify the invention. Support for the amendments is provided by paragraphs 48, 62-71, 73, 79, and Table 1, among others.

Applicants respectfully submit that the amendments overcome the rejections under § 102 over Johnson, as the reference does not teach CO.

None of the cited references alone or in combination teaches or suggests a process as claimed by Applicants for selective hydrogenation with a liquid reactant stream and CO concentrations greater than 2000 ppm. Reimer discloses only low concentrations of CO for the limited purpose of selectivity enhancement. This is not surprising because it is well known in the art that CO acts as a poison, as is recognized by Applicants' description of the related art as well as by the Reimer reference itself (*see, e.g.,* col. 2, ll. 29-35 ("catalysts are not stable ... over a sufficiently long time.")). Further, the Examples of Reimer teach a correlation of decreasing reaction rate with increasing CO concentration. (*E.g.,* Reimer Example 1 with 20 ppm CO is complete in 170 minutes, while Reimer Example 8 with 900 ppm CO requires 754 HOURS). The Dai reference teaches only operation in the gas phase. Neither Johnson nor GB 871804 mention CO. Thus, one skilled in the art reading the references, alone or in combination, would be led away from a process meeting the limitations of the present claims. For these reasons, Applicants respectfully submit that all claims are now allowable.

Conclusion

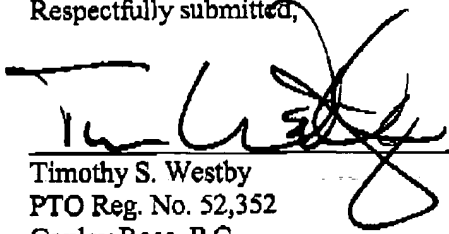
This is believed to be a full and complete response to the Office Action of January 3, 2005. Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of

Appl. No. 10/728,310
Amendment Dated February 28, 2005
Reply to Office Action of January 3, 2005

the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art, which have yet to be raised, but which may be raised in the future.

Applicants believe that all claims are free of the prior art and are in condition for allowance. Entry of the amendments and allowance of all pending claims is respectfully requested. In the event that an extension of time is necessary in order for this submission to be considered timely filed, please consider this a Request for Extension of Time, and the Commissioner is authorized to charge the fee under 37 C.F.R. § 1.17(a) to Deposit Account 03-2769 of Conley Rose, P.C., Houston, Texas. If the Examiner believes that a telephonic interview would be beneficial, please contact the undersigned at the telephone number listed below.

Respectfully submitted,



Timothy S. Westby
PTO Reg. No. 52,352
Conley Rose, P.C.
P. O. Box 3267
Houston, Texas 77253-3267
(713) 238-8000

ATTORNEY FOR APPLICANT